
APPENDIX B
STIPULATIONS APPLICABLE TO FLUID MINERAL
DEVELOPMENT, SURFACE-DISTURBING ACTIVITIES,
SURFACE USE, AND OCCUPANCY

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B.1 INTRODUCTION

This appendix lists stipulations for fluid minerals (oil and gas, coalbed natural gas, oil shale, and geothermal) leasing referred to in the Approved RMP. These stipulations also apply to all surface-disturbing activities and surface occupancy associated with land use activities, authorizations, permits, and leases issued on BLM lands. The stipulations would not apply to activities and uses where they are contrary to laws, regulations, valid existing rights, or specific program guidance. The intent is to achieve the purpose of the stipulation and to consistently mitigate land use impacts by applying the same stipulations to all surface-disturbing activities, surface use and occupancy.

Stipulations apply to surface-disturbing activities on lands overlying federal mineral estate, which includes mineral estate underlying BLM lands, privately owned lands, and state-owned lands. As such, federal mineral estate acres are greater than BLM surface acres.

Defining Surface-disturbing Activities, Surface Use and Occupancy. A surface-disturbing activity, including surface use or occupancy, is defined as a land use action that alters surface/near surface soils, surface geologic features, or vegetation beyond natural site conditions on a scale that affects the identified resource values.

For the purposes of this RMP, examples of surface-disturbing activities, surface use and occupancy constrained by stipulations include, but are not limited to:

- Construction of permanent or other long-term facilities such as: telecommunication towers, powerlines, pipelines, water tanks, well pads for fluid minerals development, and visitor facilities
- New route construction, including upgrading of existing two-track roads for access or fluid minerals development
- The use of mechanical earth-moving equipment for scraping, excavation, or digging
- Mining
- Use of explosives or pyrotechnics
- Intensive and/or large-scale human use or occupation (e.g., concentrated group events).

Examples of actions not typically considered surface-disturbing activities and constrained by stipulations include, but are not limited to:

- Cross-country walking, hiking, or horseback riding
- Motorized and mechanized vehicular travel on designated routes consistent with the type or mode of travel permitted
- Livestock grazing

- Maintenance of infrastructure including: ROWs, travel routes, and range improvements; if such improvements are within the existing disturbance and compatible with the resource value(s) being protected
- Actions for emergency and other purposes as authorized under 43 CFR 8340.0-5(a)(2), (3), (4) and (5); including wildland fire suppression
- Prescribed fire (without ground-disturbing prep-work)
- Truck-mounted drilling and geophysical exploration equipment off designated routes.

Application of Stipulations. The predominant consideration for the application of any stipulation is the compatibility or incompatibility of the surface-disturbing activity, surface use or occupancy (including proposed design criteria) with the resource value(s) being protected as defined in the stipulation. In some cases a proposed project may cause a short-term disturbance but offer long-term benefits to the resource values protected by the stipulation.

A secondary consideration is whether the surface-disturbing activity would result in more than negligible (i.e., small, of little consequence, not readily noticeable) disturbance or impact to the resource value being protected as defined in the purpose for the stipulation. Project-specific environmental analysis would evaluate factors such as: the extent, duration, or intensity of the activity; the existing condition of the area affected; and if the impact is anticipated to last longer than 2 years without being revegetated with pre-disturbance types of vegetation.

The following are some examples of the application of stipulations.

- *Compatibility or incompatibility with the resource value(s) being protected.*
 - A stream improvement project to improve aquatic habitat and riparian vegetation by its nature, must occur within the area protected by an NSO stipulation for fisheries and riparian vegetation. Any short-term impacts are offset by the long-term benefits to fisheries.
 - A trail construction project to improve recreational opportunities in an SRMA by its nature, must occur within the area protected by an NSO stipulation for SRMAs.
- *More than negligible disturbance or impact to the resource value being protected.*
 - A wildlife water guzzler could be installed in an area with high visual sensitivity if it could be concealed behind a ridge and out-of-site of key observation points.
 - A pipeline could be installed in an area with an NSO stipulation for priority wildlife habitat if the pipeline is located within an existing road right-of-way.

- Installation of a cattle guard may be determined of such low extent and intensity as to not impact the nearby hibernation or fall swarming activities of bats.
- Use of a trenching machine enables an operator to dig a trench, bury a fiber optic cable and backfill all in a single pass resulting in negligible impacts that are anticipated to last less than 2 years without being revegetated with pre-disturbance types of vegetation.
- There is on-going gas well completion activities occurring at a well pad and a bird of conservation concern species nests nearby during the timing limitation dates for nesting birds of conservation concern. The activity is presumed to have a negligible impact because the bird nested adjacent to the well pad in conjunction with on-going completion activities.

Travel Management in Areas Covered by NSO Stipulations. BLM may: close, construct, relocate, re-route, or re-designate by route type; designated routes to protect resource values. But equally the concurrent intent would be to maintain a similar quality and quantity of routes and access in the area as designated in the RMP.

B.2 STIPULATIONS FOR SURFACE-DISTURBING ACTIVITIES

The stipulations (including exceptions, modifications, and waivers) are explained below. Three types of stipulations could be applied to land use authorizations: 1) no surface occupancy or no surface-disturbing activity; 2) controlled surface use; and 3) timing limitation. Lease stipulations and lease notices would be applied to all new leases and to expired leases that are reissued. On existing leases, the BLM would seek voluntary compliance or would develop conditions of approval for applications for permits to drill (APDs) or other authorizations, consistent with valid existing rights, to achieve resource objectives contained in this RMP.

B.2.1 No Surface Occupancy (NSO) STIPULATION

An NSO stipulation, a major constraint, includes stipulations that may be worded, “no surface use/occupancy,” “no surface disturbance,” “conditional NSO,” “no ground-disturbing activity,” and “no surface occupancy.”

Use or occupancy of the land surface for fluid mineral exploration or development and other surface-disturbing activities (as defined above) is prohibited to protect identified resource values or resource use. Refer to Section B.5.

BLM land where there is an NSO stipulation applied are open to fluid minerals leasing, but long-term surface-disturbing activities or facilities cannot be conducted on the surface of the land. Access to fluid minerals resources would require horizontal and/or directional drilling from outside the boundaries of the area with the NSO stipulation. An NSO stipulation cannot be applied to operations conducted under the General Mining Act

of 1872 without a withdrawal from mineral entry. A withdrawal from mineral entry is not a land use planning decision because it must be approved by the Secretary of Interior. Therefore, unless withdrawn, areas covered by NSO stipulations generally are open to operations conducted under the Mining Law of 1872, subject only to TL and CSU stipulations that are consistent with the rights granted under the mining laws.

B.2.2 CONTROLLED SURFACE USE (CSU) STIPULATION

Controlled surface use (CSU) is a category of moderate constraint stipulations that allows some use and occupancy of surface lands while protecting identified resources or values. A CSU stipulation would allow the BLM to require special operational constraints, including special design or relocating the surface-disturbing activity by more than 200 meters (656 feet) to protect the specified resource or value. Refer to Section B.6.

B.2.3 TIMING LIMITATION (TL) STIPULATION

Areas identified for application of a TL stipulation, a moderate constraint, are closed to fluid minerals exploration and development and other surface-disturbing activities during identified timeframes. This stipulation would not apply to operation and maintenance activities, including associated vehicle travel, unless otherwise specified. Refer to Section B.7.

B.2.4 LEASE NOTICES (LN)

A lease notice provides more detailed information concerning limitations already provided by law, lease terms, regulations, or operational orders. An LN also addresses special items that lessees should consider when planning operations but does not impose additional restrictions. Lease notices apply only to leasable minerals (e.g., oil, gas, geothermal) and not to other types of leases, such as livestock grazing. Refer to Section B.8.

B.2.5 CONDITIONS OF APPROVAL (COA)

Conditions of approval are conditions or provisions (requirements) under which an application for a permit to drill or other land use authorizations is approved.

When making a decision regarding discrete surface-disturbing activities following site-specific environmental review, BLM has the authority to impose reasonable measures to minimize impacts on other resource values, including restricting the siting or timing of lease activities (43 CFR 3100; 43 CFR 3160; IBLA 2006-213, 2006-226; IBLA 2008-197, 2008-200). Site-specific mitigation measures supported by NEPA analysis are added during the implementation phase as conditions of approvals to the project.

B.3 EXCEPTIONS, MODIFICATIONS, AND WAIVERS

Although not common practice, BLM policies allow for the granting of exceptions, modifications, and waivers to stipulations. This determination is typically documented with an appropriate level of environmental review. This determination should be made on a case-by-case basis after asking not one, but a series of questions, such as:

- Would the BLM remain in compliance with laws and regulations?
- Is the proposal in conformance with the objectives of the RMP?
- What would be the level of harm to the protected resource, both locally and regionally?
- What would be the economic or public safety concerns if an active operation near completion was shut in to comply with a seasonal closure (For example: economic, multi-stage fracturing not completed; safety, casing and cementing of fresh water zones not completed)?
- Are the impacts temporary, rather than long term?
- Is the resource being protected rare, or is it relatively common (For example a special status species)?
- Based on existing knowledge of a species and its use of an area, would impacts be confined to single or a small number of individuals, or would there be impacts on local or regional populations? Would impacts be allowed under existing law and policy?
- Is off-site mitigation an appropriate option (For example, where individual or cumulative impacts cannot be effectively mitigated on site)?
- Can the impacts be reduced to an acceptable level through intensive use of environmental best management practices?

B.3.1 STANDARD EXCEPTION

An exception exempts the holder of the leasehold/land use authorization from the stipulation on a one-time basis. Depending on the specific exception, the stipulation may or may not apply to other sites within the leasehold/land use authorization to which the stipulation applies.

In situations where a surface-disturbing activity/lease stipulation is excepted, the activity could be subject to additional conditions of approval, reclamation measures, or BMPs. Measures applied would be based on the nature, extent, and values potentially affected by the surface-disturbing activity. Excepted surface-disturbing activities/lease stipulations are given on a one-time, case-by-case basis and will not necessarily constitute subsequent approvals.

B.3.2 STANDARD MODIFICATION

A modification is a fundamental change to the provisions of a lease/land use authorization stipulation, either temporarily or for the term of the lease/land use

authorization. Depending on the specific modification, the stipulation may or may not apply to other sites within the leasehold/land use authorization to which the stipulation applies. A 30-day public notice and comment period may be required before modification of a stipulation.

B.3.3 STANDARD WAIVER

A waiver permanently exempts a leasehold/land use authorization from a stipulation attached to the lease/authorization; that is, the stipulation no longer applies to that leasehold/authorization. No waivers are authorized unless BLM staff has verified that the areas mapped as possessing the attributes to which the stipulation applied do not possess those attributes.

B.4 STANDARD TERMS AND CONDITIONS FOR OIL AND GAS LEASING

Leasing of federal oil and gas resources is regulated under 43 CFR 3100. Onshore Oil and Gas Order No. 1 (Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Approval of Operations) and federal regulations (43 CFR 3160) provide the ability for the BLM to relocate proposed operations up to 200 meters (656 feet) and prohibit surface-disturbing operations for a period not to exceed 60 days. BLM's regulatory authority also includes ensuring that fluid minerals developments are conducted in an environmentally sound manner that protects other resources and uses and requiring adequate reclamation.

B.5 NO SURFACE OCCUPANCY (NSO) STIPULATIONS

I. RESOURCES

SOILS

CRVFO-NSO-1: Debris Flow Hazard Zones.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within the Glenwood Springs Debris Flow ACEC.

Purpose: To maintain soil stability and productivity and to minimize impacts of soil erosion.

Exception: Standard exceptions apply (Section B.3). In addition, activity may be permitted by the authorized officer in consultation with the City of Glenwood Springs and Garfield County, provided that the applicant's proposal will produce only a negligible increase in the risk of debris flow.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

CRVFO-NSO-2: Steep Slopes Greater than 50 Percent.

Stipulation: Prohibit surface occupancy and surface-disturbing activities on slopes greater than 50 percent.

Purpose: To maintain soil productivity and provide necessary protection to prevent excessive soil erosion on steep slopes and to reduce risks to human health and safety from placement of infrastructure on steep slopes.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

WATER

CRVFO-NSO-3: Municipal Watersheds and Public Water Supplies.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within 1,000 horizontal feet of either side of a classified surface water supply stream segment (measured from the average high water mark) for a distance of 5 miles upstream of a public water supply intake with the classification “Water Supply” by the state of Colorado used as a public (municipal) water supply.

A watershed that serves a “public water system” as defined by the state of Colorado is a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

Purpose: To protect municipal watersheds, water quality, human health, aquatic habitat and for protecting a watershed that serves a “public water system.”

Exceptions: BLM may consider use of new technology or engineered plans designed to protect water supply streams and intakes from operations located closer than specified in the stipulation. Consideration of special technology or designs will be coordinated with appropriate water authorities and owners (e.g. municipalities, home owners associations, source water protection stakeholder groups, etc.). In addition, activity may be permitted if the authorized officer determines, in consultation with the appropriate water authorities and owners, that the applicant’s proposal would not cause a decrease in water quality.

Modification: The water supply or water intake is altered.

Waiver: The water intake is not used as a public water supply.

CRVFO-NSO-4: Major River Corridors.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within 0.5 mile of either side of the high water mark (bank-full stage) of six major rivers: Colorado, Roaring Fork, Crystal, Frying Pan, Eagle, and Piney.

Purpose: To protect these riverine and adjacent areas that provide (a) special status fish and wildlife species habitat, (b) important riparian values, (c) water quality/filtering values, (d) waterfowl and shorebird production values, (e) valuable amphibian habitat, and (f) high scenic and recreation values. Included in the area covered by the stipulation are BLM lands and mineral estate along the Eagle and Colorado Rivers designated as recreation management areas in which BLM provides facilities to enhance river-related recreation opportunities and maintain the existing recreational setting.

Exception: Standard exceptions apply (Section B.5). In addition, the distance from the river may be reduced after the authorized officer has considered the habitat values and the species present, the topography and vegetation of the area, and the type and amount of surface disturbance proposed. For the Eagle and Colorado Rivers, additional exception criteria include measures to mitigate impacts on recreation such as: a) screening operations from scenic views, b) reducing drill rig and other equipment noise to an acceptable level, c) protecting the recreating public from operations, and d) restoring disturbed areas to a condition substantially unnoticeable to the casual observer.

Modification: Standard modifications apply (Section B.5).

Waiver: Standard waivers apply (Section B.5).

**CRVFO-NSO-5: Perennial Streams, Water bodies,
Riparian Areas, and Aquatic Dependent Species.**

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a buffer distance of 328 horizontal feet from the outer edge of riparian/wetland zones.

Purpose: The purpose is to:

1. Maintain the proper functioning condition, including the vegetative, hydrologic and geomorphic functionality of the perennial water body
2. Protect water quality, riparian/wetland vegetation, and aquatic habitats
3. Provide a clean, reliable source of water for downstream users
4. Benefit fisheries, amphibians, waterfowl, migratory birds, other species dependent on aquatic and riparian habitats as well as the habitat itself.

Exception: Standard exceptions apply (Section B.3). In addition, given the multiple resource values addressed by this NSO, an exception may be granted on a case-by-case basis if the authorized officer determines that the following criteria are considered:

- The activity would improve resource conditions (e.g., meet RMP resource objectives or achieve the standards for public land health)

- Restoration or enhancement work is designed to improve aquatic habitat conditions, riparian vegetation, or benefit aquatic dependent species over the long term
- The activity would have negligible impacts on water quality, stream channel stability, and aquatic dependent species
- The activity would not cause unacceptable adverse impacts to the riparian or wetland resource (e.g., a decline in condition)
- Design features would minimize the loss of late seral riparian vegetation
- The activity would involve a stream crossing (e.g., roads, fences or pipelines) where there is no reasonable alternative
- The location of the activity within the riparian or wetland resource may be necessary to avoid unacceptable impacts to other resource values.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

FISH AND WILDLIFE

COMMON TO ALL FISHERIES AND OTHER AQUATIC WILDLIFE

CRVFO-NSO-6: Fish Hatcheries.

Stipulation: Prohibit surface occupancy and surface-disturbing activities, to a depth of 1,500 feet below the surface, within the watershed upstream of fish hatcheries. The stipulation applies to occupancy and surface-disturbing activities on BLM surface land and on split-estate land with underlying federal mineral estate. Existing hatcheries include the Rifle Falls and Glenwood Springs fish hatcheries.

Purpose: To protect the quality and quantity of surface water and groundwater aquifers supplying the hatcheries.

Exception: No exceptions (including standard exceptions in Section B.3) are permitted.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

TERRESTRIAL WILDLIFE

CRVFO-NSO-7: Priority Wildlife Habitat.

Stipulation: Prohibit surface occupancy and surface- disturbing activities on priority wildlife habitat areas to protect vegetation cover and forage on state wildlife areas and BLM lands with high and overlying wildlife values. Priority wildlife habitat areas include:

- State wildlife areas (12,900 acres)
- Arbaney-Kittle (2,400 acres)
- Cottonwood-Eby Creeks (9,600 acres)
- Dry Rifle Creek (2,400 acres)
- Fisher Creek (4,900 acres)
- Horse Mountain (5,200 acres)
- Light Hill (3,800 acres)
- Main-West Elk Ridge (1,100 acres)
- North of New Castle (6,000 acres)
- Thompson Creek-Holgate Mesa (3,400 acres)
- West Elk Ridge (2,300 acres)
- West Rifle Creek (1,100 acres)
- Williams Hill (1,500 acres)
- Wolcott (2,000 acres).

Purpose: To protect vegetation cover and forage on BLM lands with high and overlying wildlife values. These values include:

- Priority species habitat
- Sagebrush shrublands for sagebrush dependent species,
- Wildlife migration corridors
- CPW mapped mule deer critical winter habitat
- CPW mapped mule deer and elk migration corridors
- CPW mapped elk severe winter range and concentration areas
- CPW mapped bighorn sheep, winter, severe winter and winter concentration areas
- Canada lynx landscape linkages
- Locations of wildlife-related vegetation treatments.

Exception: Standard exceptions apply (Section B.3). Beneficial habitat and range improvements would be allowed. Surface use or occupancy or a surface-disturbing activity may be permitted if BLM determines that the requested activity would not impair wildlife habitat values. In making this determination, BLM will consider the following resource factors in consultation with CPW: behavioral and ecological requirements of the

species; type, amount, and duration of the surface disturbance; relative extent of available habitat; topography and vegetation screening; type, location, duration, and intensity of potential adverse effects; mitigation and conservation measures to avoid, minimize, or offset the adverse effects; and other factors that may affect wildlife species or cause habitat to become unusable.

The proponent requesting an exception will provide an assessment with the proposal that (a) documents anticipated compliance or non-impairment of resource values protected by this stipulation and (b) considers the above mentioned resource factors. Exceptions for ground-disturbing activities granted in any given year may not constitute approval for subsequent years; in such cases, approval for such activities must be granted (or extended) annually by BLM.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

RAPTORS

CRVFO-NSO-8: Raptors (non-special status raptor species).

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a buffer zone centered on a nest site.

Buffer widths are 0.25 mile for:

- golden eagle
- Cooper's hawk
- sharp-shinned hawk
- red-tailed hawk
- Swainson's hawk
- owls.

Buffer widths are 0.5 mile for:

- prairie falcon
- northern goshawk.

Stipulation does not apply to turkey vulture, northern harrier, or American kestrel. Special status raptors are addressed separately.

Purpose: Maintain the integrity of occupied nest sites (used within the last 5 years) and surrounding habitat.

Exception: Standard exceptions apply (Section B.3). More specifically, an exception can be granted if the nest site has not been occupied within the last 5 years. The activity must be conditioned so as not to impair the utility of the site for future nesting.

Modification: Standard modifications apply (Section B.3). More specifically a modification may be granted if conditions have changed such that there is no reasonable likelihood of future site occupation.

Waiver: Standard waivers apply (Section B.3).

SPECIAL STATUS SPECIES

SPECIAL STATUS SPECIES PLANTS

CRVFO-NSO-9: Threatened, Endangered, Proposed, and Candidate Plant Species.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within 200 meters (656-foot) of habitat areas for those plant species listed under ESA as threatened or endangered, and for federal proposed or candidate plant species. Habitat areas include designated critical habitat, currently or historically occupied habitat, suitable habitat in close proximity to occupied habitat, and habitat necessary for the maintenance or recovery of the species.

Purpose: To protect threatened, endangered, proposed, and candidate plants, immediately adjacent suitable habitat and pollinator habitat, from direct and indirect impacts.

Exception: Standard exceptions apply (Section B.3). In addition, all of the following conditions must be met:

1. Valid current surveys for protected species have been completed
2. Mitigation has been applied to avoid adverse impacts to protected species
3. Section 7 consultation with USFWS on federally listed or proposed threatened or endangered species has been completed
4. The proposed disturbance would occur in unsuitable habitat.

Other surface-disturbing activities may be allowed in suitable habitat if conditions 1 through 3 above are met, and the purpose or the result of the activity would improve habitat conditions for the protected species.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

CRVFO-NSO-10: BLM Sensitive Plants within ACECs.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within 100 meters (328-feet) around occupied BLM sensitive plant habitat within ACECs.

Purpose: To protect core populations of Harrington's penstemon and occupied habitat of other BLM sensitive plant species within ACECs from direct and indirect impacts.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

CRVFO-NSO-11: DeBeque Phacelia Suitable Habitat.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within 30 meters (100 feet) of suitable habitat for DeBeque phacelia.

Purpose: To: 1) preserve habitat until a determination can be made whether or not the habitat is occupied and 2) protect suitable habitat for the threatened annual plant, DeBeque phacelia, which may not germinate every year.

Exception: Standard exceptions apply (Section B.3). In addition, prohibit surface occupancy and surface-disturbing activities within 30 meters of suitable habitat for DeBeque phacelia unless absence is demonstrated in the following way:

- Known DeBeque phacelia sites near the project area should be monitored by a qualified botanist during the flowering period (as determined by best available science) each year
- If DeBeque phacelia is located at three nearby known sites in a given year, that year will be deemed a "reliable year"
- If DeBeque phacelia is not detected at the suitable habitat to be impacted during a reliable year, an exception to the NSO may be granted for that year
- Resurveys would be required in subsequent years prior to granting additional exceptions.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

BALD EAGLE

CRVFO-NSO-12: Bald Eagle Roost or Nest Site.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a 0.25-mile radius of the roost or nest site. The stipulation will be applied based on biological surveys, CPW data or USFWS data as revised.

Purpose: To maintain the integrity of occupied winter roost sites (used within the last 5 years) and surrounding habitat.

Exception: Standard exceptions apply (Section B.3). More specifically, an exception can be granted if the nest or roost site has not been occupied within the last 5 years. The activity must be conditioned so as not to impair the utility of the site for future nesting or roosting.

Modification: Standard modifications apply (Section B.3). More specifically a modification may be granted if conditions have changed such that there is no reasonable likelihood of future site occupation.

Waiver: Standard waivers apply (Section B.3).

FERRUGINOUS HAWK

CRVFO-NSO-13: Ferruginous Hawk Nesting and Fledgling Habitat.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a 0.5-mile radius of an occupied nest site or associated alternate nests. The stipulation will be applied based on biological surveys or CPW data as revised.

Purpose: To maintain the integrity of occupied ferruginous hawk nest sites (used within the last 5 years) and fledgling habitat and to avoid nest abandonment.

Exception: Standard exceptions apply (Section B.3). More specifically, an exception can be granted if the nest site has not been occupied within the last 5 years. The activity must be conditioned so as not to impair the utility of the site for future nesting or roosting.

Modification: Standard modifications apply (Section B.3). More specifically a modification may be granted if conditions have changed such that there is no reasonable likelihood of future site occupation.

Waiver: Standard waivers apply (Section B.3).

PEREGRINE FALCON

CRVFO-NSO-14: Peregrine Falcon Cliff-Nesting Complex.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a 0.5 - mile radius of an occupied cliff-nesting complex. The stipulation will be applied based on biological surveys, CPW data or USFWS data as revised.

Purpose: To maintain the integrity of occupied nest sites and surrounding habitat.

Exception: Standard exceptions apply (Section B.3). More specifically, an exception can be granted if the nest site has not been occupied within the last 5 years. The activity must be conditioned so as not to impair the utility of the site for future nesting or roosting.

Modification: Standard modifications apply (Section B.3). More specifically a modification may be granted if conditions have changed such that there is no reasonable likelihood of future site occupation.

Waiver: Standard waivers apply (Section B.3).

GREATER SAGE-GROUSE

CRVFO-NSO-15: Priority Habitat for the Northern Eagle/Southern Routt County Greater Sage-grouse Population.

Stipulation: Prohibit surface occupancy and surface-disturbing activities in greater sage-grouse priority habitat.

Purpose: To: 1) sustain the integrity of sagebrush biome within priority greater sage-grouse habitats, 2) to provide the amount, continuity, and quality of habitat that is necessary to maintain sustainable populations of greater sage-grouse, and 3) maintain the integrity of habitat surrounding leks. The stipulation will be applied based on biological surveys or CPW data as revised.

Exception: An exception may be granted by the authorized officer if an environmental analysis determines that the action, as proposed or conditioned, would not impair the function or utility of the site for current or subsequent reproductive display, including daytime loafing/staging activities.

Modification: Standard modifications apply (Section B.3).

Waiver: The authorized officer may grant a waiver if, in consultation with the CPW, it is determined that the area is no longer capable of supporting greater sage-grouse.

COLUMBIA SHARP-TAILED GROUSE

CRVFO-NSO-16: Occupied Columbian Sharp-tailed Grouse Leaks

Stipulation: Prohibit surface use, occupancy, and surface-disturbing activities within a 0.4-mile radius of an occupied lek (A lek that has been active during at least one strutting season within the prior 10 years). Currently no know lek sites within the CRVFO. The stipulation will be applied based on biological surveys or CPW data as revised.

Purpose: To protect occupied Columbian sharp-tailed grouse leks.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

MEXICAN SPOTTED OWL

CRVFO-NSO-17: Mexican Spotted Owl Roosts and Nest Sites.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a 0.5-mile radius of an occupied roost or nest site. Currently no known Mexican spotted owl roosts or nests are found within the CRVFO. The stipulation will be applied based on biological surveys, CPW data or USFWS data as revised.

Purpose: Maintain the integrity of the breeding and brood rearing complex.

Exception: Standard exceptions apply. In addition, after Section 7 consultation with USFWS, exceptions may be permitted.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

BATS

CRVFO-NSO-18: Special Status Bat Species Hibernation, Maternity and Fall Swarming Sites.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a 0.25-mile radius of special status (i.e., endangered, threatened, candidate or BLM sensitive). The stipulation will be applied based on biological surveys and CPW data as revised.

Purpose: To protect sites documented as being used for the purposes of maternity roosts, hibernation or fall swarming activities.

Exception: Standard exceptions apply.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

COMMON TO ALL SPECIAL STATUS SPECIES

CRVFO-NSO-19: Endangered or Threatened Species (including candidate species).

Stipulation: Prohibit surface occupancy and surface-disturbing activities on habitat areas for fish and wildlife species listed by the Federal or state government as endangered or threatened and for Federal proposed or candidate species. Habitat areas include occupied habitat and habitat necessary for the maintenance or recovery of the species.

Purpose: To maintain the integrity of habitats for endangered, threatened or candidate species necessary for the maintenance or recovery of the species.

Exception: Standard exceptions apply. In addition, after Section 7 consultation with USFWS, exceptions may be permitted.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

CULTURAL RESOURCES

CRVFO-NSO-20: Heritage Areas.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within 0.25 mile of traditional cultural properties or Native American areas of concern.

Purpose: To protect the integrity of place, setting, and/or feeling. The following sites of concern have been identified through consultation and will be a priority for protection:

- Ceremonial features (e.g., eagle traps, vision circles, and special structures)
- Isolated rock art
- Culturally Modified Trees (includes Scarred and Prayer Trees)
- Human remains
- Other site types as identified through consultation.

Exception: Standard exceptions apply (Section B.3). The heritage area protection boundary may be modified on a case-by-case basis taking into account topographical barriers, existing disturbances, the nature of the proposed action, and the nature of the heritage area in consultation with Tribes and SHPO.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

CRVFO-NSO-21: Historic Properties (100 meters [328 feet]).

Stipulation: Prohibit surface occupancy and surface-disturbing activities within 100 meters (328 feet) of historic properties.

Purpose: To protect historic properties.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3). The historic properties protection boundary may be modified on a case-by-case basis taking into account topographical barriers, existing disturbances, and the nature of the proposed action in consultation with SHPO and Tribes.

Waiver: Standard waivers apply (Section B.3).

VISUAL RESOURCE MANAGEMENT

CRVFO-NSO-22: VRM Class II Areas with Slopes over 30 percent and High Visual Sensitivity.

Stipulation: Prohibit surface occupancy and surface-disturbing activities in VRM Class II areas with slopes over 30 percent and high visual sensitivity. Lands with high visual sensitivity are those lands within 5 miles of the sensitive viewshed corridors of moderate to high visual exposure, where details of vegetation and landform are readily discernible, and changes in visual contrast can be easily noticed by the casual observer.

Purpose: To preserve the visual setting and visual integrity.

Exception: Standard exceptions apply (Section B.3). In addition, an exception could be granted if a viewshed analysis indicates no impairment of the visual resources Class II objectives from the driving corridor.

Modification: Standard modifications apply (Section B.3). In addition, the boundaries of the stipulated area may be modified if the VRM Class boundaries are modified.

Waiver: Standard waivers apply (Section B.3). In addition, this Stipulation may be waived if the area is no longer classified as VRM Class II.

LANDS MANAGED FOR THE PROTECTION OF WILDERNESS CHARACTERISTICS

CRVFO-NSO-23: Lands with Wilderness Characteristics.

Stipulation: Prohibit surface occupancy and surface-disturbing activities on lands managed for the protection of wilderness characteristics outside WSAs.

Purpose: To protect wilderness characteristics.

Exception: Standard exceptions apply (Section B.3). In addition, an exception could be authorized if the surface-disturbing activity is consistent and compatible with protecting wilderness characteristics.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

CAVE AND KARST RESOURCES

CRVFO-NSO-24: Cave and Karst Resources.

Stipulation: Prohibit surface occupancy and surface-disturbing activities to the extent (at a minimum this stipulation extends to 5,000 feet below the surface) of known cave and karst resources. The NSO area encompasses cave openings and portions of the subsurface features and watersheds immediately above the caves.

Purpose: To protect the scientific and wildlife values associated with cave openings provided by these caves and to avoid the difficulties inherent in drilling such locations.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

II. RESOURCE USES

RECREATION AND VISITOR SERVICES

SPECIAL RECREATION MANAGEMENT AREAS

CRVFO-NSO-25: Special Recreation Management Areas.

Stipulation: Prohibit surface use, occupancy, and surface-disturbing activities in the following SRMAs:

- Hardscrabble SRMA
- King Mountain SRMA
- Red Hill SRMA
- The Crown SRMA
- Upper Colorado River SRMA.

Purpose: To: (a) protect the desired physical, social, and operational recreational setting characteristics; (b) achieve recreation objectives (specifically the recreational activities which facilitate recreational experiences and benefits); and (c) address visitor health/safety issues as well as use/user conflicts.

Exception: Standard exceptions apply to non-recreational activities. This stipulation does not apply to surface use, occupancy and surface disturbing activities (e.g., facilities, trails, events if permitted) performed by the recreation and visitor services program to achieve the recreation objective, enhance the targeted recreation opportunities, or retain/enhance the physical, social, or operational recreation setting characteristics of the SRMA.

The stipulation does not apply if the BLM authorized officer determines that the proposed action would not: (1) impair the desired physical, social, and operational recreational setting characteristics (see maps and matrices in Appendix F); (2) impact the realization of the targeted recreation opportunities (specifically the recreational activities which facilitate recreational experiences and benefits); or (3) increase risks to visitor health and safety; within SRMAs. In making this determination, BLM will consider the following factors: type, amount, and duration of the surface disturbance; relative extent proposal; topography and vegetation screening; type, location, and intensity of potential adverse effects; and mitigation measures to avoid, minimize, or offset any adverse effects.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

VISITOR USE AND SAFETY

CRVFO-NSO-26: Rifle Mountain Park.

Stipulation: Prohibit surface occupancy and surface-disturbing activities in Rifle Mountain Park.

Purpose: To protect the recreational setting, recreation opportunities, and recreation facilities.

Exception: No exceptions (including standard exceptions in Section B.3) are permitted.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

COAL

CRVFO-NSO-27: Surface Coal Mines.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within the area of an approved surface coal mine.

Purpose: To avoid conflicts with approved coal mining operations.

Exception: Standard exceptions apply (Section B.3). In addition, this Stipulation may be waived without a plan amendment if the lessee agrees that any well approved for drilling will be plugged below the coal when the crest of the highwall approaches within 500 feet of the well, and that the well will be re-entered or re-drilled after completion of mining operations through the well location. A suspension of operations and production will be considered when the well is plugged and a new well is to be drilled after mining operations move through the location.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

III. SPECIAL DESIGNATIONS

AREAS OF CRITICAL ENVIRONMENTAL CONCERN

CRVFO-NSO-28: Certain ACECs.

Stipulation: Prohibit surface occupancy and surface-disturbing activities in the following ACECs:

- Blue Hill
- Bull Gulch
- Deep Creek
- Grand Hogback
- McCoy Fan Delta
- Mount Logan Foothills
- Thompson Creek.

Purpose: To protect the relevant and important values for which the ACEC was established.

Exception: Standard exceptions apply (Section B.3). For ACECs designated for listed or sensitive plants, the appropriate NSOs for these species and the exception criteria for those NSOs shall apply.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

WILDERNESS STUDY AREAS

CRVFO-NSO-29: Wilderness Study Areas.

Stipulation: Prohibit surface occupancy and surface-disturbing activities in WSAs.

Purpose: To preserve wilderness in accordance with non-impairment standards as defined by BLM Manual 6330 – Management of BLM Wilderness Study Areas.

Exception: Standard exceptions apply (Section B.3). In addition, the authorized officer may grant an exception if an environmental analysis of a proposed action reveals that wilderness values would not be impacted, or that impacts could be adequately mitigated (see BLM Manual 6330 – Management of BLM Wilderness Study Areas).

Modification: Standard modifications apply (Section B.3). In addition, the Stipulation may be modified if the WSA boundary is modified by Congress.

Waiver: Standard waivers apply (Section B.3). In addition, the stipulation may be waived if the WSA is released by Congress for multiple uses.

WILD AND SCENIC RIVERS

CRVFO-NSO-30: Suitable Stream Segments Classified as “Wild”.

Stipulation: Prohibit surface occupancy and surface-disturbing activities to protect the outstandingly remarkable values within suitable stream segments classified as “Wild”.

Purpose: To protect the outstanding remarkable values (ORV), water quality, the free-flowing condition and recommended classification of suitable segments.

Exception: Standard exceptions apply (Section B.3).

Modification: The boundaries of the stipulated area may be modified if the suitable segment boundaries are modified.

Waiver: Waivers can be granted if Congress makes a decision to not designate the stream segments under the Wild and Scenic Rivers Act.

B.6 CONTROLLED SURFACE USE (CSU) STIPULATIONS

I. RESOURCES

SOILS

CRVFO-CSU-1: Slopes Greater than 30 Percent or Fragile/Saline Soils.

Stipulation: As appropriate, apply CSU constraints on areas: 1) with slopes steeper than 30 percent or 2) areas with fragile and saline soils regardless of slope based on the NRCS soil description and surveys.

Fragile soils as defined by the NRCS include those having shallow depth to bedrock, minimal structure and organic matter in the surface layer, and textures making them easily detached and eroded. The soil map unit description rates soils in the resource area as to their susceptibility to water erosion. Wind erosion may also be a hazard, particularly when surface litter and vegetation are removed by fire.

A potentially saline soil has Mancos shale parent geology. The following soil/slope characteristics are indicative of a potentially fragile soil:

1. Soils rated as highly or severely erodible by wind or water
2. Soils on slopes greater than 35%, particularly if they have one of the following characteristics: a) a surface texture that is sand, loamy sand, very fine sandy loam, fine sandy loam, silty clay, or clay; b) a depth to bedrock less than 20 inches; c) an erosion hazard rating of high or very high; and d) a K (soil erodibility potential) factor greater than 0.32.

Purpose: To:

- reduce erosion potential, to maintain soil stability and productivity of sensitive areas
- ensure successful reclamation
- minimize contributions of salinity, selenium and sediments likely to affect downstream water quality, fisheries and other downstream aquatic habitats.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

WATER

CRVFO-CSU-2: Municipal Watersheds and Public Water Supplies.

Stipulation: Apply CSU constraints on lands located greater than 1,000 horizontal feet but less than 2,640 horizontal feet of a classified surface water supply stream segment (as measured from the average high water mark of a water body) for a distance of 5 miles upstream of a public water supply intake with the classification “*Water Supply*” by the state of Colorado.

Purpose: The stipulation is for the purpose of protecting municipal watersheds, drinking water quality, human health, aquatic habitat and for protecting a watershed that serves a “public water system”.

Exceptions: BLM may consider use of new technology or engineered plans designed to protect water supply streams and intakes from operations located closer than specified in the stipulation. Consideration of special technology or designs will be coordinated with appropriate water authorities and owners.

Modification: The water supply or water intake is altered.

Waiver: The water intake is not used as a public water supply.

CRVFO-CSU-3: Intermittent and Ephemeral Streams.

Stipulation: Apply CSU constraints within 100 feet from the edge of intermittent or ephemeral stream drainages as defined by the USGS National Hydrography Dataset or field evaluation.

Purpose: To maintain and protect water quality, stream stability, aquatic health, seasonal use and downstream fisheries, and sediment processes downstream.

Exception: Standard exceptions apply (Section B.3).

An exception may be granted on a case-by-case basis considering the following factors:

- The activity would improve resource conditions (e.g., meet RMP resource objectives or achieve the standards for public land health)

- Restoration or enhancement work is designed to improve watershed conditions, aquatic habitat, riparian vegetation, or benefit aquatic dependent species over the long term
- The activity will have insignificant impacts on water quality, stream channel stability, soils, and aquatic dependent species, where no reasonable alternative exists
- The activity results in no net loss of riparian/wetland vegetation
- Involves stream crossings (e.g., roads, fences or pipelines) where there is no reasonable alternative
- Location of the activity adjacent to the intermittent/ephemeral streams may be necessary to avoid unacceptable impacts to other resource values.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

VEGETATION

RIPARIAN VEGETATION

CRVFO-CSU-4: Riparian and Wetland Vegetation Zones.

Stipulation: Apply CSU constraints from 328 to 500 horizontal feet from the outer edge of the riparian/wetland zones.

Surface-disturbing activities may require special design, construction, and implementation measures, including relocation of operations beyond 200 meters (656 feet). The actual required measures will be based on the purpose, nature, and extent of the disturbance, the affected wetland/riparian area and values, and the feasibility of relocating the project.

Purpose: To:

- Maintain proper functioning condition (including the vegetative, hydrologic, and geomorphic functionality of the riparian and wetland zones)
- Protect water quality
- Protect fish habitat
- Protect other aquatic habitat values
- Provide a clean, reliable source of water for downstream users
- Indirectly benefit migratory birds, wildlife habitat, amphibians, and other species.

Exception: Standard exceptions apply (Section B.3). In addition, an exception may be granted by the authorized officer on a case-by-case basis considering the following criteria:

- The activity would improve resource conditions (e.g., meet RMP resource objectives or achieve the standards for public land health)
- Restoration or enhancement work is designed to improve aquatic habitat conditions, riparian vegetation, or benefit aquatic dependent species over the long term
- The activity will have insignificant indirect impacts on water quality, stream channel stability, and aquatic dependent species
- The activity results in no indirect loss of riparian/wetland vegetation
- Involves stream crossings (e.g., roads, fences or pipelines) where there is no reasonable alternative.

In situations where a surface-disturbing activity is excepted, the activity could be subject to additional conditions or approvals, reclamation measures, or best management practices. Measures applied will be based on the nature, extent, and values potentially affected by the surface-disturbing activity. Exceptions to allow surface-disturbing activities are granted on a one-time, case-by-case basis and do not create a precedent for subsequent approvals.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

SPECIAL STATUS SPECIES

BLM SENSITIVE AMPHIBIANS

CRVFO-CSU-5: Sensitive Amphibians (Great Basin Spadefoot, Boreal Toad, Northern Leopard Frog, Wood Frog).

Stipulation: Apply CSU constraints within an 800-meter (0.5-mile) buffer around all identified breeding sites.

Purpose: To protect identified breeding habitats of sensitive amphibian species.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

SPECIAL STATUS SPECIES PLANTS

CRVFO-CSU-6: BLM Sensitive Plants outside of ACECs.

Stipulation: Apply CSU constraints to surface-disturbing activities within a 100-meter (328-foot) buffer around occupied habitat for sensitive plants outside of ACECs.

Purpose: To protect BLM sensitive plant populations and habitat outside ACECs.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

GREATER SAGE-GROUSE

CRVFO-CSU-7: General Habitat for the Northern Eagle/Southern Routt County Greater Sage-grouse Population.

Stipulation: Apply CSU constraints to mitigate possible adverse effects of land uses.

Purpose: To sustain the integrity of the sagebrush biome within mapped greater sage-grouse general habitat. The stipulation will be applied based on biological surveys or CPW data as revised.

Exception: Standard exceptions apply (Section B.3). More specifically, an authorized officer may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long term suitability or utility of habitat for sage-grouse. In addition, habitat improvement projects and range projects would be allowed providing these projects are compatible or beneficial to sagebrush ecosystems.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3). More specifically, an authorized officer may grant a waiver to this stipulation if site conditions have changed sufficient to permanently preclude sage-grouse occupation of the area.

COMMON TO ALL SPECIAL STATUS SPECIES

CRVFO-CSU-8: BLM Sensitive Fish and Wildlife Species and Significant Natural Plant Communities.

Stipulation: Apply CSU constraints to habitats for those fish and wildlife species listed as sensitive by BLM and for significant natural plant communities (including relict plant communities and old-growth forests and woodlands).

Purpose: To protect BLM sensitive fish and wildlife species and significant plant communities.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

VISUAL RESOURCE MANAGEMENT

CRVFO-CSU-9: VRM Class II.

Stipulation: Apply CSU constraints within VRM Class II areas.

Purpose: To ensure that surface-disturbing activities within VRM Class II areas comply with BLM Handbook 8431-1 to retain the existing character of the landscape.

Management activities may be visible but should not attract attention of the casual observer. Any change to the landscape must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. Special design measures, mitigation plans, or relocation of operations by more than 200 meters (656 feet) may be required to protect visual values.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

II. RESOURCE USES

RECREATION AND VISITOR SERVICES

DEVELOPED RECREATION FACILITIES AND TRAILS

CRVFO-CSU-10: Developed Recreation Facilities and Trails.

Stipulation: Apply CSU constraints on surface use, occupancy, and surface-disturbing activities at developed recreation sites and mapped national/regional trails, local system trails that connect communities, trailheads and interpretive sites with exceptional recreation value, recreation investment (i.e., time or funding), or local public interest.

Purpose: To minimize conflicts with new and existing BLM recreation facility investments (i.e. trails, recreation sites, boat launches, trailheads, interpretive sites), provide for recreational use, protect visitor health and safety, and protect the viewshed of the recreation facility.

Exception: Standard exceptions apply (Section B.3). This stipulation does not apply to surface use, occupancy and surface disturbing activities (e.g., facility expansion/renovation, trail construction, events if permitted) performed to achieve the recreation and visitor services program objectives.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

EXTENSIVE RECREATION MANAGEMENT AREAS

CRVFO-CSU-11: Extensive Recreation Management Areas.

Stipulation: Apply CSU constraints on surface use, occupancy, and surface disturbing in the following ERMA:

- Bocco Mountain ERMA
- Eagle River ERMA
- Gypsum Hills ERMA

- New Castle ERMA
- Silt Mesa ERMA
- Thompson Creek ERMA.

Purpose: To (a) minimize impacts to participation in the principal recreation activities, (b) maintain particular recreation setting characteristics, (c) protect visitor health and safety, and (d) reduce use/user conflicts.

Exception: Standard exceptions apply (Section B.3). This stipulation does not apply to surface use, occupancy and surface disturbing activities (e.g., facility and trail construction, events if permitted) performed to achieve the recreation and visitor services program objectives within the ERMA.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

COAL

CRVFO-CSU-12: Underground Coal Mines.

Stipulation: Apply CSU constraints to oil and gas operations within the area of federally leased coal lands. Relocate oil and gas operations outside the area to be mined or located to accommodate room and pillar mining operations.

Purpose: To protect coal resources.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3). In addition, this stipulation may be waived without a plan amendment if the lessee agrees that the drilling of a well will be subject to the following conditions:

- The well must be plugged when the mine is within 500 feet of the well bore
- The well must be plugged in accordance with Mine Safety and Health Administration (formerly Mine Enforcement and Safety Administration) Informational Report 1052

- The operator will provide an accurate location of where the casing intercepts the coal by providing a directional and deviational survey of the well to the coal operator.

Alternatively, the operator will relocate well into a permanent pillar or more than 500 feet outside the area to be mined. A suspension of operations and production will be considered when the well is plugged and a new well is to be drilled after mining operations move through the location.

III. SPECIAL DESIGNATIONS

WILDERNESS STUDY AREAS

CRVFO-CSU-13: Wilderness Study Areas if released from Wilderness Consideration.

Stipulation: If Congress releases WSAs from wilderness consideration, then apply CSU constraints to the lands.

Purpose: To protect recreation activity opportunities.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

WILD AND SCENIC RIVERS

CRVFO-CSU-14: Suitable Stream Segments Classified as “Scenic” and “Recreational”.

Stipulation: Apply CSU constraints to protect the outstandingly remarkable values within suitable stream segments classified as “Scenic” and “Recreational”.

Purpose: To protect the outstandingly remarkable values for which the stream segments were found suitable.

Exception: Standard exceptions apply (Section B.3).

Modification: The boundaries of the stipulated area may be modified if the suitable segment boundaries are modified.

Waiver: Standard waivers apply (Section B.3). Waivers can be granted if Congress makes a decision to not designate stream segments under the Wild and Scenic Rivers Act.

B.7 TIMING LIMITATION (TL) STIPULATIONS

I. RESOURCES

FISH AND WILDLIFE

SALMONID AND NATIVE NON-SALMONID FISHES

CRVFO-TL-1: Salmonid and Native Non-Salmonid Fishes.

Stipulation: Prohibit surface occupancy and surface-disturbing activities during species-specific spawning periods to reduce impacts to breeding adults, eggs, emerging larval fish, and avoid stream channel disturbances.

Non-Special Status Species:

- Rainbow trout: March 1 to June 15
- Brown trout: October 1 to May 1
- Brook trout: August 15 to May 1.

Special Status Species:

- Cutthroat trout: May 1 to September 1
- Bluehead sucker: May 1 to July 15
- Flannelmouth sucker: April 1 to July 1
- Roundtail chub: May 15 to July 15
- Mountain sucker: May 1 to July 15.

Where more than one species coexist in a stream BLM may defer to the native or special status species.

Purpose: To promote recruitment by protecting adult fish, redds (egg masses) in the gravel, and emerging fry during spawning periods.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

BIG GAME

CRVFO-TL-2: Big Game Winter Habitat.

Stipulation: Prohibit surface occupancy and surface-disturbing activities from December 1 to April 15 to protect: mule deer critical winter range; elk winter concentration areas; moose winter range; Rocky Mountain bighorn sheep winter, severe winter and winter concentration areas; and pronghorn winter concentration area.

Purpose: To reduce behavioral disruption of big game during the winter season.

Exception: Standard exceptions apply (Section B.3).

1) In addition, site-specific ground-disturbing activities between December 1 and April 15 may be allowed if the BLM authorized officer determines, following consultation with CPW, that the requested activity would not impair values associated with the quantity and quality of the winter range for the species of interest.

In making this determination, the proponent of any ground-disturbing activity asking for an exception will provide to BLM an assessment with their proposal that documents anticipated compliance or non-impairment of resource values protected by this stipulation based on the following resource factors:

- current baseline and trend data on the wildlife population(s)
- the type, location, duration, and intensity of potential adverse effects
- potential for minimization of the footprint of activities
- changes to winter habitat effectiveness, fragmentation, and habitat loss across the game management unit as a whole
- the relative extent of available winter range; relationship to topography and vegetation screening
- effectiveness of proposed voluntary offsite mitigation and conservation measures to offset any adverse effects
- other factors that may affect the winter range or cause winter range to become unusable.

2) Under mild winter conditions (e.g., below normal snow depth, little snow crusting, anticipated higher than normal daily mean temperatures) the last 60 days of the seasonal limitation period may be suspended by the BLM authorized officer after consultation with CPW.

3) Approval of ground-disturbing activities granted in any given year may not constitute approval for subsequent years; in such cases approval for such activities must be granted (or extended) annually by BLM.

Modification: Standard modifications apply (Section B.3). A modification may be approved if the proponent and BLM 1) agree to compensatory mitigation that satisfactorily offsets detrimental impacts to big game winter range or its use; or 2) an agreement can be reached where by a mitigation plan can be accommodated consistent with established RMP objectives and decisions.

Waiver: Standard waivers apply (Section B.3).

CRVFO-TL-3: Big Game Production Areas.

Stipulation: Prohibit surface occupancy and surface-disturbing activities during the following time period(s) in mapped big game production areas:

- Elk production (Calving): May 15 to June 30
- Rocky Mountain bighorn sheep production (lambing) areas: April 15 to June 30
- Pronghorn production (fawning): April 15 to June 30.

Purpose: To reduce behavioral disruption during parturition and early young rearing period.

Exception: Standard exceptions apply (Section B.3). This stipulation does not apply to oil and gas operation and maintenance activities of producing wells. In addition, when it is determined through a site-specific environmental analysis that actions would not interfere with critical habitat function nor compromise animal condition within the project vicinity, the timing limitation may be altered or removed.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

MIGRATORY BIRDS

CRVFO-TL-4: Nesting Season for Birds of Conservation Concern.

Stipulation: Prohibit initiation of surface occupancy and surface-disturbing activities during time periods between May 15 and July 15. The application of the timing limitation would consider: the type of equipment to be used (e.g., hand operated power

tools versus mechanized/motorized equipment), the acreage/scale of the project, and the duration of the project, habitat types present, breeding phenology, weather conditions, elevation, distance to known nests, and terrain.

For example, at higher elevations the appropriate dates may range from June 1 through July 15, and at lower elevations the appropriate dates may range from May 15 through July 1.

Purpose: To protect the destruction of active nests for birds of conservation concern.

Exception: Standard exceptions apply (Section B.3). The stipulation may not apply if a biological survey determined that there were no birds of conservation concern occupying the project site.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

RAPTORS

CRVFO-TL-5: Raptors (Non-special status raptor species).

Stipulation: Prohibit surface occupancy and surface-disturbing activities to protect use of nesting and fledgling habitat during the following time periods.

The timing limitation is applied within a 0.25-mile radius on species-specific dates as follows:

- Red-tailed hawk and all owls: February 15 to July 15
- Swainson's hawk: April 1 to July 15
- Osprey: April 1 to August 31
- Cooper's hawk and sharp-shinned hawk: April 15 to July 15.

The timing limitation is applied within a 0.5-mile radius on species-specific dates as follows:

- Golden eagle: December 15 to July 15
- Northern goshawk: March 1 to September 15
- Prairie falcon: March 15 to July 15.

Purpose: To protect nesting and fledgling habitat during use.

Exception: Standard exceptions apply (Section B.3). In addition, the stipulation may be

suspended during any year in which the nest is unoccupied two weeks after the last date incubation should have begun. This date will be determined by a BLM biologist in consultation with CPW or USFWS biologists as necessary. The timing limitations may also be excepted once the young have fledged and dispersed from the nest.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

WATERFOWL AND SHOREBIRDS

CRVFO-TL-6: Waterfowl and Shorebird Nesting and Production Areas.

Stipulation: Prohibit surface occupancy and surface-disturbing activities from April 15 to July 15 in a 328 feet radius of: winter concentration areas, brood concentration areas, production areas, great blue heron historic nest areas, and great blue heron nesting areas. The stipulation will be applied based on biological surveys, CPW data or USFWS data as revised.

Purpose: To protect nesting waterfowl and shorebirds.

Exception: Exceptions may be granted after consultation with the CPW if nesting waterfowl and shorebirds are not present at the reservoirs, or if operations can be located in such a manner as to minimize disturbance to nesting waterfowl and shorebirds.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

SPECIAL STATUS SPECIES

AMERICAN WHITE PELICAN

CRVFO-TL-7: American White Pelican.

Stipulation: Prohibit surface occupancy and surface-disturbing activities from March 16 to September 30. The stipulation will be applied based on biological surveys, CPW data or USFWS data as revised.

Purpose: To protect white pelican nesting and feeding habitat during usage.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

BALD EAGLE

CRVFO-TL-8: Bald Eagle Nest Sites and Winter Roost Sites.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a 0.5-mile buffer around occupied nest sites and winter roost sites during the flowing time periods:

- Nest Sites: November 15 to July 31
- Winter Roost Sites: November 15 to March 15.

The stipulation will be applied based on biological surveys, CPW data or USFWS data as revised.

Purpose: To: (a) protect nesting, including nest-centered courtship, nest attentiveness and construction or repair, egg-laying, incubation, feeding of nestlings, and post-fledging use of the nest; and (b) prevent disruption of wintering bald eagles at winter roost sites.

Exception: *Nest Sites.* An exception can be granted or the distance reduced in years when a nest site is unoccupied by May 15 or once the young have fledged and dispersed from the nest.

Winter Roost Sites. An exception can be granted or the distance reduced to 0.25 miles, if an environmental analysis of the proposed action indicates that the nature or conduct of the activity could be conditioned so as not to impair the utility of the site.

Modification: Standard modifications apply (Section B.3). More specifically a modification may be granted if conditions have changed such that there is no reasonable likelihood of future site occupation.

Waiver: Standard waivers apply (Section B.3).

FERRUGINOUS HAWK

CRVFO-TL-9: Ferruginous Hawk Nesting and Fledgling Habitat.

Stipulation: Prohibit surface occupancy and surface-disturbing activities from February 1 to July 15 within a 0.5-mile radius of a nest site. The stipulation will be applied based on biological surveys and CPW data as revised.

Purpose: To protect reproductive activity at occupied nest sites and avoid nest abandonment.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

PEREGRINE FALCON

CRVFO-TL-10: Peregrine Falcon Nesting Complex.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a 0.5-mile buffer around the cliff-nesting complex from March 15 to July 31. The stipulation will be applied based on biological surveys, CPW data or USFWS data as revised.

Purpose: To protect reproductive activity at occupied nest sites and avoid nest abandonment.

Exception: Standard exceptions apply (Section B.3). The limitation may be suspended in years when the nest site is unoccupied by May 15, or once the young have fledged and dispersed from the nest. The activity must be conditioned so as not to impair the utility of the site for future nesting.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

GREATER SAGE-GROUSE

CRVFO-TL-11: Greater Sage-grouse Winter Range and Nesting Habitat.

Stipulation: Prohibit surface occupancy and surface-disturbing activities in greater sage-grouse: 1) nesting habitat to prevent disruption of reproductive activity during the production period and 2) winter habitats that are crucial for population persistence during the following time periods:

- Greater sage-grouse winter range timing limitation dates are from December 1 to March 15 and defined by CPW mapped winter range.
- Greater sage-grouse nesting habitat timing limitation dates: March 1 to June 30. Sage-grouse nesting habitat includes brooding and production habitat. It is described as sagebrush stands with sagebrush plants between 30 and 100 centimeters (approximately 12 and 40 inches) in height and a mean canopy cover between 15 and 40 percent within a 4-mile radius of an active lek.

Purpose: To protect greater sage-grouse population persistence during certain seasons.

Exception: Standard exceptions apply (Section B.3). More specifically, the authorized officer may grant an exception to this stipulation if an environmental analysis indicates that the proposed or conditioned activities would not affect the long term suitability or utility of habitat for sage-grouse.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

COLUMBIA SHARP-TAILED GROUSE

CRVFO-TL-12: Columbian Sharp-tailed Grouse Winter Range and Nesting Habitat.

Stipulation: Prohibit surface occupancy and surface-disturbing activities in Columbian sharp-tailed grouse winter range and nesting habitat during the following time periods:

- Columbian sharp-tailed grouse winter range timing limitation dates are December 1 to March 15. Columbian sharp-tailed grouse winter range is defined by CPW mapped winter range.
- Columbian sharp-tailed grouse nesting habitat timing limitation dates are March 15 to July 30. Columbian sharp-tailed grouse nesting habitat includes brooding and production habitat. It is described as native grassland, sage steppe, mountain shrub, and non-native grass fields with up to 40% cover and dense vertical and horizontal concealment within 1.25 miles of an active lek.

Purpose: To protect Columbian sharp-tailed grouse population persistence during certain seasons.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

GREATER SANDHILL CRANE

CRVFO-TL-13: Greater Sandhill Crane.

Stipulation: Prohibit surface occupancy and surface-disturbing activities from March 1 to October 16. The stipulation will be applied based on biological surveys and CPW data as revised.

Purpose: To protect greater sandhill crane nesting and staging habitat during usage.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

MEXICAN SPOTTED OWL

CRVFO-TL-14: Mexican Spotted Owl Primary Activity Centers.

Stipulation: Prohibit surface occupancy and surface-disturbing activities from March 1 to July 31.

Purpose: To maintain the integrity of the breeding and brood rearing complex. The average Mexican spotted owl territory is estimated to encompass approximately 2,000 acres. Within this area, Primary Activity Centers (PACs) are defined around nesting, feeding, and roosting areas within the territory. These PACs are mapped as a 0.5-mile radius (600-acre) area around nests, roosts, and the center of feeding areas, and are not considered to be overlapping. With multiple sightings of the Mexican spotted owl, but with no confirmed nest or roost sites, a PAC is defined as the area where habitat is used the most. Currently no known PACs are found within the CRVFO. The stipulation will be applied based on biological surveys, CPW data or USFWS data as revised.

Exception: Exceptions may be granted after formal Section 7 consultation with USFWS.

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

BATS

CRVFO-TL-15: Special Status Bat Species Hibernation, Maternity and Fall Swarming Sites.

Stipulation: Prohibit surface occupancy and surface-disturbing activities within a 0.25-mile radius of the following sites during the time periods listed:

- maternity sites from April 15 to August 31
- winter hibernation sites from November 15 to April 15
- fall swarming sites from August 15 to October 15.

The stipulation will be applied based on biological surveys and CPW data as revised.

Purpose: To protect bat population persistence during certain seasons.

Exception: Standard exceptions apply (Section B.3).

Modification: Standard modifications apply (Section B.3).

Waiver: Standard waivers apply (Section B.3).

B.8 LEASE NOTICES (LN)

I. RESOURCES

VEGETATION

WEEDS

CRVFO-LN-1: Annual Reports of Weed Control and Reclamation Progress.

All lessees are required to report to the authorized officer annually on the ongoing progress of reclamation and the status of weeds and weed control at locations developed on the lease.

FISH AND WILDLIFE

COMMON TO ALL FISH AND WILDLIFE

CRVFO-LN-2: Biological Inventories.

In areas of known or suspected habitat of special status species, or habitat of other species of interest, such as raptor nests, elk calving areas, or significant natural plant communities, a biological inventory would be required prior to approval of operations. The inventory would be used to prepare mitigating measures to reduce the impacts of surface disturbance on the affected species or their habitats. These mitigating measures may include, but are not limited to, relocation of roads, well pads, pipelines, and other facilities, and fencing operations or habitat.

CRVFO-LN-3: Working in High-Value Wildlife Habitat.

Require the operator to establish a set of reasonable operating procedures for employees and contractors working in high-value wildlife habitats. These areas include, but are not limited to, water bodies, special status-species habitat, severe big game winter range, moose priority habitat, and migration corridors. Such procedures would be designed to inform employees and contractors of ways to minimize the effect of their presence on wildlife and wildlife habitats. Procedures might address items such as: disinfecting

equipment when working in water, working in bear country, controlling dogs, and understanding and abiding by hunting and firearms regulations.

BIG GAME

CRVFO-LN-4: Working in Big Game Winter Range.

Within big game severe winter and winter concentration ranges, the operator is required to implement specific measures to reduce impacts of fluid minerals operations on wildlife and wildlife habitat. Such measures shall be developed in concert with BLM during the preparation of the environmental assessment. They may include completion of habitat improvement projects designed to replace habitat lost through construction activities; reduction of human disturbance in important habitat areas during critical times of the year by installing gates and closing roads; using telemetry to collect well data; and accessing well site locations during the times of the day when wildlife are less likely to be present in the area.

It is recognized that other measures may be appropriate and that not all measures would be appropriate for all areas. Therefore, this notice is best implemented through site-specific planning addressing several years of activity in an area.

The BLM's overall goals are to (a) reduce direct impacts (physical loss of habitat) by minimizing surface disturbance in areas where revegetation is not possible, such as roads, production facilities, working portions of well pads, exposed rock outcrops, and high cut slopes; and (b) reduce indirect habitat impacts (reduced habitat availability) from disturbances caused by increased human activities in big game winter range and other high-value wildlife areas.

SPECIAL STATUS SPECIES

GREATER SAGE-GROUSE

CRVFO-LN-5: Greater or Gunnison Sage-grouse Habitat and Columbia Sharp-tailed Grouse Nesting Habitat.

The lease may in part, or in total, may contain important greater or Gunnison sage-grouse or Columbian sharp-tailed grouse habitats, as identified by the BLM, either currently or prospectively. The operator may be required to implement specific measures through a condition of approval to protect greater sage-grouse and Columbian sharp-tailed grouse.

Sage-grouse habitat conservation measures may include timing restrictions, distances or percentages of allowable surface disturbing activities, noise suppression actions, and desired density levels or other development constraints consistent with state or range-wide sage-grouse conservation planning for Colorado (including subsequent updates), current peer reviewed sage-grouse research, or as developed in conjunction with CPW to meet local population objectives.

Such measures shall be developed during the application for permit to drill (APD) on-site and environmental review process, or during the environmental review process for sundry notices and associated rights-of-way, and will be consistent with lease rights granted.

COMMON TO ALL SPECIAL STATUS SPECIES

CRVFO-LN-6: Endangered Species Act.

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. § 1531 et seq., including completion of any required procedure for conference or consultation.

PALEONTOLOGY

CRVFO-LN-7: Class 4 and 5 Paleontological Areas.

Instruction Memorandum No. 2008-009: Potential Fossil Yield Classification (PFYC) System for Paleontological Resources on Public Lands. An accredited paleontologist approved by the authorized officer will perform an inventory of surface-disturbing activities in Class 4 and 5 paleontological areas.

VISUAL RESOURCE MANAGEMENT

CRVFO-LN-8: Sensitive Viewsheds.

Special design and construction measures may be required to minimize the visual impacts of drilling activities within five miles of all communities or population centers, major BLM or county roads, and state or federal highways. The overall goal of these measures would be to blend the disturbance with the natural landscape as much as possible. At a minimum, operations should be designed to insure that the disturbance does not dominate the natural landscape character (VRM Class III objective). BLM acknowledges that activities on private lands may alter the landscape character, and such alterations will be considered when evaluating mitigation proposals relative to the visual quality of the overall landscape.

II. SUPPORT

PUBLIC HEALTH AND SAFETY

CRVFO-LN-9: Emergency Communications Plan.

The operator is required to prepare and maintain a current emergency communications plan. The plan shall be provided to the BLM, Colorado State Patrol, the affected county and communities, and the general public.

The plan shall contain information sufficient to describe the potential for emergency incidents related to fluid minerals development that pose an immediate danger to human health and safety and would normally require immediate actions by the operator to remove the threat, such as for hazardous materials spills; actions to be taken by the operator in the event of such an incident; and a communications plan to inform appropriate authorities and potentially affected citizens.

CRVFO-LN-10: Working in Residential Areas.

The operator drilling on federal mineral estate is required to consider the impact of operations on nearby communities and residences and will be expected to reasonably adjust operating procedures to accommodate local residential concerns. For example, the operator will be expected to try to work out reasonable compromises on issues such as noise, dust, and traffic. The operator will be expected to address such issues when raised during public comment periods associated with preparation of environmental assessments

or when complaints are reported to the operator, BLM, or the Colorado Oil and Gas Conservation Commission.

CRVFO-LN-11: Project Rulison Monitoring.

Any wells within three miles of Project Rulison will be subject to oversight measures established by the Colorado Oil and Gas Conservation Commission. Any such wells would also be reviewed by the DOE for consideration if such wells should be incorporated into DOE's regular monitoring program.